

## **Assembly Bill No. 757**

### **CHAPTER 263**

An act to add Sections 1254.6 and 1596.847 to the Health and Safety Code, relating to infant safety.

[Approved by Governor August 9, 1997. Filed with Secretary of State August 11, 1997.]

#### **LEGISLATIVE COUNSEL'S DIGEST**

AB 757, Escutia. Infant safety.

Existing law prohibits a commercial user, as defined, from remanufacturing, selling, leasing, or placing in the stream of commerce, among other things, a full-size or non-full-size crib, as defined, that is unsafe for any infant using the crib. Under existing law, a full-size or non-full-size crib is unsafe when it does not conform to certain regulatory standards, or when it has specified dangerous features or characteristics.

Existing law provides for the licensure and regulation of health facilities and child day care facilities, which includes day care centers and family day care homes. A willful or repeated violation of those provisions is a crime.

This bill would, on or after July 1, 1998, prohibit a child day care facility from using or having on the premises of the facility any full-size or non-full-size crib that is unsafe for any infant using the crib, except as specified. Unsafe for purposes of this provision has the same meaning as provided under the above prohibitions applicable to a commercial user.

Existing law requires health facilities and midwives to provide information and instructional materials relating to shaken baby syndrome, if available, free of charge to parents or guardians of newborns, and requires the State Department of Social Services to provide this information and instructional materials, if available, free of charge to child care providers upon licensure and at the time of a site visit. Existing law does not require persons or agencies to provide duplicative or redundant materials.

This bill would require information and instructional materials relating to sudden infant death syndrome to be provided to parents or guardians of newborns by hospitals or midwives, to hospitals and to child care facilities by the State Department of Health Services in a camera-ready typesetting format, and to family day care homes and certain other child day care facilities by the State Department of Social Services.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. It is the intent of the Legislature to encourage public and private collaboration in developing instructional materials regarding sudden infant death syndrome, and to encourage that those materials be supplied to health facilities, midwives, the State Department of Consumer Affairs, and to the State Department of Social Services free of charge. The Legislature also intends that informational materials regarding sudden infant death syndrome are to be developed with private resources and shall be available to consumers through the State Department of Health Services.

SEC 2. Section 1254.6 is added to the Health and Safety Code, to read:

1254.6 (a) A hospital shall provide, free of charge, information and instructional materials regarding sudden infant death syndrome, as described in Section 1596.847, explaining the medical effects upon infants and young children and emphasizing measures that may reduce the risk.

(b) The information and materials described in subdivision (a) shall be provided to parents or guardians of each newborn, upon discharge from the hospital. In the event of home birth attended by a licensed midwife, the midwife shall provide the information and instructional materials to the parents or guardians of the newborn.

(c) To the maximum extent practicable, the materials provided to parents or guardians of each newborn shall substantially reflect the information contained in materials approved by the state department for public circulation. The state department shall make available to hospitals, free of charge, information in camera-ready typesetting format. Nothing in this section prohibits a hospital from obtaining free and suitable information from any other public or private agency.

SEC. 3. Section 1596.847 is added to the Health and Safety Code, to read:

1596.847. (a) A child day care facility shall not use or have on the premises, on or after July 1, 1998, a full-size or non-full-size crib that is unsafe for any infant using the crib, as described in Article 1 (commencing with Section 24500) of Chapter 4.7 of Division 20. This subdivision shall not apply to any antique or collectible crib provided it is not used by, or accessible to, any child in the child day care facility.

(b) The State Department of Social Services shall provide information and instructional materials regarding sudden infant death syndrome, explaining the medical effects upon infants and young children and emphasizing measures which may reduce the risk, free of charge to any child care facility licensed to provide care to children under the age of two years. This shall occur upon licensure and, on a one-time basis only, at the time of a regularly scheduled site visit.

(c) To the maximum extent practicable, the materials provided to child care facilities shall substantially reflect the information contained in materials approved by the State Department of Health Services for public circulation. The State Department of Health Services shall make available, to child care facilities, free of charge, information in camera-ready typesetting format. Nothing in this section prohibits the State Department of Social Services from obtaining free and suitable information from any other public or private agency. The information and instructional materials provided pursuant to this section shall focus upon the serious nature of the risk to infants and young children presented by sudden infant death syndrome.

(d) The requirement that informational and instructional materials be provided pursuant to this section applies only when those materials have been supplied to those persons or entities that are required to provide the materials. The persons or entities required to provide these materials shall not be subject to any legal cause of action whatsoever based on the requirements of this section.

(e) For persons or agencies providing these materials pursuant to this section, this section does not require the provision of duplicative or redundant informational and instructional materials.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only cost that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

Notwithstanding Section 17580 of the Government Code, unless otherwise specified, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.